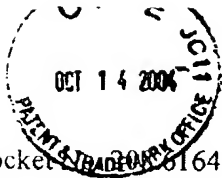


10-15-04

AF
1745



Attorney Docket No. 10164

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Gao et al.
Serial No.: 10/040,047
Filed: February 1, 2002
For: *Positive Electrode Active Materials for Secondary Batteries and Methods of Preparing Same*
Group Art Unit: 1745
Examiner: Kalafut, Stephen J.

Date: October 14, 2004

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

This amendment is responsive to the Final Office Action ("Action") dated August 20, 2004 and is filed before expiration of the three month shortened statutory period. Applicants provide the present Amendment to address the issues raised in the Action pursuant to the rules stated in revised 37 C.F.R. 1.121 that became effective on July 30, 2003.

10/21/2004 CQUEEN 00000001 500220 10040047

Sale Ref: 00000001 DAH: 500220 10040047

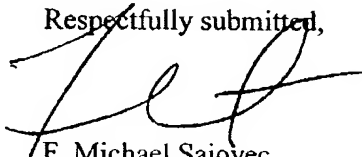
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In re: Gao et al.
Docket No.: 208-6164
Serial No.: 10/040,047
Page 18 of 18

CONCLUSION

The concerns of the Examiner addressed in full, Applicants respectfully request withdrawal of the outstanding rejections and the issuance of a Notice of Allowance forthwith. No fee is believed due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220. The Examiner is encouraged to direct any questions regarding the foregoing to the undersigned, who may be reached at (919) 854-1400.

Respectfully submitted,



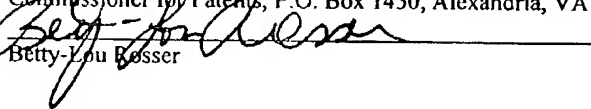
F. Michael Sajovec
Registration No. 31,793

Customer Number 20792
Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label number: EV472512155US Date of Deposit: October 14, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Betty-Lou Rosser